

**ENTERED**

March 02, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

FRANCISCO OLEVERA,

Petitioner,

VS.

WARDEN HENSON,

Respondent.

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CIVIL NO. 2:17-CV-00114

**ORDER**

The Court is in receipt of Respondent's July 21, 2017, motion to dismiss, Dkt. No. 15; the October 19, 2017, Memorandum and Recommendation ("M&R") of the Magistrate Judge to whom this case was referred, Dkt. No. 17; and Petitioner's October 30, 2017, objection to the M&R, Dkt. No. 18.

The Court reviews objected-to portions of a Magistrate Judge's proposed findings and recommendations de novo. 28 U.S.C. § 636(b)(1). Plaintiff's objection is frivolous, conclusory, general, or contains no arguments that the M&R has not already considered. *See* Dkt. Nos. 17, 18; *Battle v. United States Parole Comm'n*, 834 F.2d 419 (5th Cir. 1987) (determining that a district court need not consider frivolous, conclusive, or general objections). After independently reviewing the record and considering the applicable law, the Court adopts the proposed M&R in its entirety. Dkt. No. 17. Thus, the Court **OVERRULES** Plaintiff's objection. Dkt. No. 18.

The Court hereby:

- **GRANTS** Respondent's motion to dismiss, Dkt. No. 15, and
- **DISMISSES WITHOUT PREJUDICE** this action.

The Court will enter final judgment separately.

SIGNED this 1st day of March, 2018.

  
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Hilda Tagle  
Senior United States District Judge